

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

DAVY JOE MUSGRAVE,)	
)	
Plaintiff,)	
)	
vs.)	CIV-09-1276-D
)	
MICHAEL J. ASTRUE, Commissioner,)	
Social Security Administration,)	
)	
Defendant.)	

ORDER

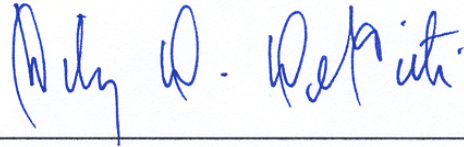
Plaintiff brought this action pursuant to 42 U.S.C. §405(g) for review of the Commissioner of Social Security Administration's decision denying Plaintiff's application for benefits. The matter was referred to United States Magistrate Judge Doyle W. Argo for initial proceedings in accordance with 28 U.S.C. §636 (b)(1)(B). The parties fully briefed their respective positions and, on August 23, 2010, Judge Argo filed a Report and Recommendation [Doc. No. 17] in which he recommended that the Commissioner's decision be affirmed.

In the Report and Recommendation, Judge Argo advised the parties of their right to object to the findings and recommendations set forth therein, and he scheduled a September 13, 2010 deadline for filing objections. The Magistrate Judge also expressly cautioned the parties that a failure to object to the Report and Recommendation would constitute a waiver of the right to appeal the findings and conclusions contained therein. The deadline for filing objections has expired, and neither party has filed objections nor sought an extension of time in which to do so.

Accordingly, the Report and Recommendation [Doc. No. 17] is adopted as though fully set forth herein. For the reasons set forth in the Report and Recommendation, the decision of the

Commissioner denying Plaintiff's application for benefits is AFFIRMED.

IT IS SO ORDERED this 21st day of September, 2010.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE